

TO: All Concerned Persons

3. The department has thoroughly considered the comment received. The following is a summary of the comment received, along with the department's response to that comment:

Response 1: Although the comment does not address the proposed amendment, the department agrees the language discussed in the comment is unclear. The department's intent was to have the dispensing fee apply only to the AWP amount and not the price charged amount. For example, the language in (1)(b) would more accurately read: "Reimbursement rates to retail pharmacies for brand-name drugs are limited to the lesser of the price charged for the prescription at the time of dispensing or the average wholesale price (AWP), minus 10 percent, plus a dispensing fee, not to exceed \$3.00 per prescription." However, changing this language is outside the scope of this notice. Therefore, in this same issue of the Montana Administrative Register, the department is proposing to amend the rule to clarify the language of (1)(b), in MAR Notice No. 24-29-226.

4. The department has amended ARM 24.29.1529 as proposed.

/s/ MARK CADWALLADER

Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY

Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 15, 2007